

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WESLEY EDWARD SMITH, III,

Plaintiff,

-against-

COMMONWEALTH OF VIRGINIA,

Defendant.

20-CV-7521 (CM)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

COLLEEN McMAHON, Chief United States District Judge:

On February 27, 2014, Plaintiff was barred from filing any new action *in forma pauperis* (IFP) without first obtaining from the Court leave to file. *See Smith v. Commonwealth of Virginia*, No. 1:13-CV-8111, 7 (LAP) (S.D.N.Y. Feb. 27, 2014). Plaintiff files this new *pro se* case, seeks IFP status, and has not sought leave from the Court. This action is therefore dismissed without prejudice for Plaintiff's failure to comply with the February 27, 2014 order.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: September 15, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge